

ABSTRACT

Nur Aeni, 2025. Judge's Considerations in Hadhanah Cases Due to Divorce at the Sungguminasa Class 1A Religious Court in Gowa Regency. Supervised by Abbas Baco Miro and Ridwan Malik

Children are a gift and a trust from Allah SWT that must not be neglected and should be appreciated. In fact, children are considered the most valuable wealth compared to material possessions, as they are a sacred trust from Allah that must always be protected and cared for. This is because within every child lies inherent dignity, honor, and human rights that must be upheld.

based on the issue described above, the research questions in this study are: 1) What are the judge's considerations in deciding child custody in divorce cases at the Sungguminasa Class 1A Religious Court in Gowa Regency? 2) How does the judge ensure justice and legal certainty in determining child custody at the Sungguminasa Class 1A Religious Court in Gowa Regency? The aim of this research is to understand the judge's considerations in deciding child custody in divorce cases at the Sungguminasa Class 1A Religious Court in Gowa Regency.

This study uses a descriptive research method. Descriptive research refers to a method that explains or describes problems that occurred in the past or are currently taking place, in a systematic and accurate manner in the field. This method is used because the researcher seeks to describe and provide a systematic and accurate picture of the judge's role in considering hadhanah cases resulting from divorce at the Sungguminasa Class 1A Religious Court in Gowa Regency.

The judge's basis for consideration in deciding child custody cases, in accordance with the Child Protection Law and Supreme Court Regulation No. 3 of 2017, is to ensure justice and legal certainty by prioritizing the best interests of the child. We should not focus solely on the mother or the father, but rather on what is best for the child. If the child does not want something, we must not force it. If the mother is a good person, then why not grant custody to her—especially since a child who has not yet reached the age of discernment (*mumayyiz*) is generally closer to the mother, as mothers usually spend more time with the child due to not working as much as fathers.